

Rev. 4/99

SENTENCING MINUTES:

Time Set:	<u>10:00 a.m.</u>	Date:	<u>10/2/24</u>
Started:	<u>10:08 a.m.</u>	Presiding Judge:	<u>Lawrence R. Leonard, USMJ</u>
Ended:	<u>10:56 a.m.</u>	Courtroom Deputy:	<u>L. Woodcock</u>
		Court Reporter:	<u>FTR-Mag 1</u>
Split Time	()	U.S. Attorney:	<u>Peter Osyf</u>
		Defense Counsel:	<u>Shaoming Cheng</u>
		(X) Retained () Court appointed () AFPD	
		Interpreter:	<u>Victor Chang (Sworn)</u>
Case Number:	<u>4:24mj3</u>		
USA v.	<u>Fengyun Shi</u>		

- (X) Matter came on for Sentencing.
- (X) Deft. sworn.
- () Motion for Downward Departure. () Government () Defendant.
- () Granted () Denied
- () Pre-sentence report reviewed. () Objections argued.
- (X) Evidence presented. Govt Exhibit s 1-5 received.
- (X) Argument by counsel.
- (X) Statement by defendant.

IMPRISONMENT**SENTENCE:**

Counts(s) 5 and 6 The defendant shall be committed to the custody of Bureau of Prisons to be imprisoned for a term of SIX months. This term consists of SIX MONTHS on count 5 and a term of SIX MONTHS on count 6, all to be served (X) concurrently () consecutively.

- (X) The defendant is remanded to the custody of the U.S. Marshal.
- () The defendant shall surrender for service of sentence at the institution designated by the () Bureau of Prisons () U.S. Marshal before _____ on _____ as directed.

PROBATION

- () The defendant shall serve a term of probation of _____ years as to Count(s) _____ This term shall be served () Concurrently () Consecutively.

SUPERVISED RELEASE

- (X) Upon release from imprisonment, the defendant shall serve a term of Supervised Release for ONE YEAR. This term consists of ONE year(s) on count 5 and ONE year(s) on count 6, all to run (X) Concurrently () Consecutively

- (X) The defendant shall refrain from any unlawful use of a controlled substance (_____ and abuse of alcohol) and submit to one drug test within 15 days of release on supervised release and at least two periodic drug tests thereafter, as directed by the probation officer.
- (X) The defendant shall report to the U.S. Probation Office in the district to which the deft. is released within 72 hours of release from custody of the Bureau of Prisons unless you are instructed differently by the Probation Office.
- (X) The defendant shall not commit another federal, state or local crime.
- (X) The defendant shall not possess a firearm, controlled substance or destructive device.
- (X) The defendant shall comply with the standard conditions outlined in the presentence report and incorporated into this judgment.
- (X) The defendant shall participate in a mental health program as directed by the U.S. Probation Office with costs to be paid by defendant. The defendant shall waive all confidentiality regarding mental health treatment to allow the release of information to the Probation Office and authorize communications between the probation officer and the treatment provider.
- (X) As a condition of supervised release, upon completion of the defendant's term of imprisonment, the defendant is to be surrendered to a duly authorized immigration official of the Dept. of Homeland Security, U.S. Immigration and Customs Enforcement, for a deportation review in accordance with procedures of the Immigration and Nationality Act.
- (X) If ordered deported, the defendant shall remain outside of the U.S.

FINANCIAL PENALTIES

() The defendant shall pay a fine of \$ _____. Fine shall be paid _____.

Interest waived? () yes () no

() The defendant shall pay any fines that remain unpaid at the commencement of the term of supervised release.

(X) The Court finds the defendant is unable to pay fine, cost of prosecution, cost of imprisonment or supervised release. _____. This finding shall not preclude the Bureau of Prisons from implementing any existing Inmate Financial Responsibility program policies.

() The defendant shall make restitution in the amount of \$ _____ Payable to: _____

(X) As to count 5, the defendant shall pay a special assessment in the amount of \$25.00 _____.

(X) As to count 6, the defendant shall pay a special assessment in the amount of \$25.00 _____.

The TOTAL SPECIAL ASSESSMENT due is \$50.00 _____.

SCHEDULE OF PAYMENTS

PAYMENT OF THE CRIMINAL MONETARY PENALTIES SHALL BE AS FOLLOWS:

(X) The special assessment shall be due in full immediately.

(X) Any balance remaining unpaid on the special assessment at the inception of supervision shall be paid by the defendant in installments of not less than \$25.00 per month beginning 60 days after defendant's supervision begins.

(X) Any special assessment payments may be subject to penalties for default and delinquency.

(X) The defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

() The defendant notified of right of appeal.

() Court noted that defendant waived right of appeal in plea agreement.

() On motion of government remaining counts dismissed.